

PATENT**Application # 09/680,940****Attorney Docket # 1999-0725 (1014-163)****REMARKS**

The Examiner is respectfully thanked for the consideration provided to this application. Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 16, 17, 29, and 30 has been amended for reasons unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 16, 17, 29, and 30 are now pending in this application. Each of claims 16, 17, 29, and 30 are in independent form.

The Indefiniteness Rejections

Each of claims 16, 17, 29, and 30 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are respectfully traversed.

Per the Examiner's suggestions, each of claims 16, 17, 29, and 30 has been amended to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification.

Thus, reconsideration and withdrawal of these rejections is respectfully requested.

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The Obviousness Rejections

Each of claims 16, 17, 29, and 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over McCormack (U.S. Patent No. 6,360,255) in view of Biondi (U.S. Patent No. 6,894,802). These rejections are respectfully traversed.

A. *Prima Facie* Criteria

The cited portions of the applied references do not establish a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." See MPEP 2143. Moreover, the USPTO "has the initial duty of supplying the factual basis for its rejection." *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (C.C.P.A. 1967).

B. Missing Claim Limitations

Each of independent claims 16, 17, 29, and 30 recites, *inter alia*, "**a dial platform coupling a dial-up network and an Internet Protocol network**". The applied portions of McCormack do not expressly or inherently teach or suggest "a dial platform coupling a dial-up Public Switched Telephone network and an Internet Protocol network".

The applied portions of Biondi fail to cure at least these deficiencies of the applied portions of McCormack.

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Thus, even if there were motivation or suggestion to modify or combine the applied portions of the cited references (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the cited references (another assumption that is respectfully traversed), the applied portions of the cited references, **as attempted to be modified and/or combined**, still do not expressly or inherently teach or suggest **every** limitation of the independent claims, and consequently fail to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

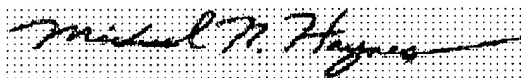
CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



Date: 15 December 2005

Michael N. Haynes
Registration No. 40,014

1341 Huntersfield Close
Keswick, VA 22947
Telephone: 434-972-9988
Facsimile: 815-550-8850

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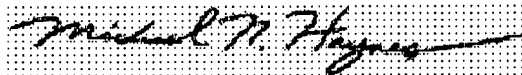
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